CITY HALL COUNCIL CHAMBERS
SANTA MARIA, CALIFORNIA
REGULAR MEETING

OCTOBER 17, 2006

CALL TO ORDER:
Mayor Lavagnino called the Regular Meeting of the City Council to order at 6:30 p.m.

INVOCATION:
Assistant City Manager Haydon gave the invocation.

PLEDGE OF ALLEGIANCE TO THE FLAG:
Councilmember Trujillo led the pledge of allegiance.

ROLL CALL:
MEMBERS PRESENT
Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino

STAFF MEMBERS PRESENT
City Manager Ness, City Attorney Trujillo, Assistant City Manager Haydon, Police Chief Macagni, Community Development Director Lindsey, Fire Chief Ortiz, Director of Utilities Sweet, Director of Recreation and Parks Posada, Director of Administrative Services Snodgrass, City Librarian Pinneli, Principal Engineer Nybo, Principal Engineer Whitehead, Senior Civil Engineer Beas, and Chief Deputy City Clerk Perez.

POSTER CONTEST WINNERS
Councilmember Patino announced that on Friday, October 6th she had attended the Grand Reopening of the Expanded Household Hazardous Waste Facility. She was very impressed by the Fourth Graders who participated in the poster contest for a theme for the new Expanded Facility. The winning slogan was "Make Our Space a Better Place." She presented Certificates of Appreciation to the following students: Claire Speaks, Steven Martinez, Robert Newlin, Teagan Ellsworth, and Yamilex Martinez from Miller Elementary School; and Celeste Pucheta, Victor Garza, Andriana Montelonga, Ivone Graciliano-Navarro, and Heriberto Barriga-Vega from Ontiveras Elementary School.

BMW DAY
Councilmember Patino also announced that she and several other Councilmembers had participated in an event sponsored by the local BMW dealership in support of breast cancer. The dealership invited people to drive a BMW and in turn contributed $1.00 for every mile driven.

PROCLAMATION – MAKE A DIFFERENCE DAY
Councilmember Mariscal read a proclamation declaring October 28, 2006, as "Make A Difference Day" in the City of Santa Maria and urging all residents to participate in one of many projects scheduled for that day to make a difference in the community. The proclamation was accepted by Councilmember Bob Orach, representing Santa Maria Valley United Way.

PROCLAMATION – FRIENDS OF THE LIBRARY WEEK
Councilmember Patino read a proclamation declaring the week of October 22 – 28, 2006, as "Friends of the Library Week" in the City of Santa Maria, and urging everyone to join the Friends of the Library and thank them for all they do to make the library and community so much better. The proclamation was accepted by Hinda Beamen, President of the Friends of the Library.

VOLUNTEER OF THE MONTH
Councilmember Orach presented a gift to John Hotchkiss, President of the Santa Maria Valley Sportsman's Association recognizing the Association as the October Recreation and Parks Volunteers of the Month for their donation of valuable time and resources to

make the Autumn Arts Grapes and Grains Festival a success each year by assisting vendors on the day of the event.

2005 HELEN PUTNUM AWARD OF EXCELLENCE
City Manager Ness introduced Dave Mullinax, Channel Counties Division regional representative of the League of California Cities, who presented the City of Santa Maria with the 2005 Helen Putnum Award of Excellence in recognition of the City's Non-Hazardous Hydrocarbon Impacted Soils Program (NHIS). Mr. Mullinax explained that the Helen Putnum Award of Excellence was a very prestigious award which recognizes outstanding cities that deliver the highest quality and level of service in the most effective manner possible. Helen Putnam was President of the League of California Cities from 1976 to 1977. She was viewed as somebody who achieved the highest measure of success. For the League of California Cities, Helen Putnam defined excellence. This program is a very competitive process, and very few cities receive the award. This is the third time the City of Santa Maria has received this award, and that reflects the vision of the Council as well as the skill and dedication of the City staff. The award was accepted by Mayor Lavagnino.

Following the presentation of the award, Assistant City Manager Haydon showed a short video explaining the City's Non-Hazardous Hydrocarbon Impacted Soils Program. This video is being played on Comcast Channel 23 and is also available on the City's web site.

City Manager Ness announced that the City had already begun work on the application for the next Helen Putnam Award for the Rotary Centennial Park and the cooperative relationship between the City, Rotary, and the community.

PUBLIC COMMENT
Salvador Gascon announced that last Thursday, Pueblo hosted a candidate's debate for the working families. They were disappointed that neither Councilmember Mariscal nor Councilmember Patino attended. He also explained that he toured the fluoridation blending station and was shown how fluoride was added to the water. He expressed concern that accidents can happen. He also talked about the Non-Hazardous Impacted Soils program, and said he still felt the City was contaminating the environment.

CONSENT CALENDAR
Councilmember Mariscal requested the opportunity to comment on Item 3E. Councilmember Orach requested the opportunity to comment on Item 3H.

Item 3E – ABC License for Target
Councilmember Mariscal asked why this reporting district was so high. There are a lot of commercial businesses in the area and asked if that was the reason.

Police Chief Macagni replied that was correct.

Item 3H – Notice of Contract Completion for Robin Ventura Ballfield
Councilmember Orach stated the Robin Ventura Ballfield was part of the Rotary Centennial Park and urged residents to visit the park.

Consent Calendar Items A through H were approved on motion by Councilmember Orach, seconded by Councilmember Patino and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

A. ORDINANCES
The reading in full of all ordinances and resolutions was waived. Ordinances on the Consent Calendar are adopted by the same vote cast at the first reading unless City Council indicates otherwise.

B. MINUTES
The Minutes of the Regular City Council Meeting of October 3, 2006, were approved as submitted.

C. WARRANTS
Warrant Nos. 130241 to 130530 in the amount of $2,202,185.79 were ordered ratified subject to having been certified as being in conformity with the budget and having been approved for payment by the Director of Administrative Services. Warrant Nos. 129392, 129927, 130064, and 130213 were canceled.

D. PAYROLL
Payment of payroll was ordered ratified subject to having been certified by the proper Department Heads, as shown on records on file in the Department of Administrative Services and having been approved for payment by the Director of Administrative Services.

E. ABC LICENSE
Council made a finding of public convenience in the matter of the issuance of a Type 20 (off-sale beer and wine) Alcoholic Beverage License for the sale of packaged beer and wine at the Target retail store located at 223 East Betteravia Road.

F. ACCESS CRIMINAL HISTORY
Resolution No. 2006-174 was adopted authorizing the Fire Department to access criminal history information as required to certify public safety employees as Emergency Medical Technicians.

Resolution No. 2006-174 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE FIRE DEPARTMENT TO ACCESS CRIMINAL HISTORY INFORMATION TO CERTIFY SUPPRESSION EMPLOYEES AS EMERGENCY MEDICAL TECHNICIANS.

G. NATIONAL INCIDENT MANAGEMENT SYSTEM
Resolution No. 2006-175 was adopted approving the National Incident Management System for management of disasters within the City.

Resolution No. 2006-175 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, ADOPTING THE NATIONAL INCIDENT MANAGEMENT SYSTEM FOR THE CITY OF SANTA MARIA.

H. NOTICE OF CONTRACT COMPLETION
Council approved the Notice of Contract Completion for the Robin Ventura Ballfield, Bid No. 2006/05, and authorized the City Clerk to record same.

PROPOSAL FOR A RED LIGHT PHOTO ENFORCEMENT PROGRAM.
City Manager Ness stated as the City Council will recall, traffic safety was the number one goal from the Council's Goal Setting Workshop.

Police Chief Macagni gave the staff report. The City Council is asked to conceptually approve the implementation of a Red Light Photo Enforcement Program and direct the Department of Public Works to negotiate a Professional Consultant Services Agreement acceptable to the City Attorney with Nestor Traffic Systems for the installation of a red light photo enforcement program at signalized intersections with a high frequency of traffic collisions within the City of Santa Maria. The use of such cameras and resulting traffic citations would promote traffic safety. Traffic is the top problem facing the Police Department. More than 50 cities in the State utilize red light camera enforcement programs. Transportation studies reveal that red light violations decrease as much as 80 percent at intersections where camera enforcement is in operation. Furthermore, there is a reduction of up to 60 percent in the number of collisions. The City received responses to the Request for Proposals from two firms – Nestor Traffic Systems and Redflex Traffic Systems. A Committee reviewed the two proposals and found Nestor Traffic Systems to be most responsive to the City's needs. Section 21455.5 of the California Vehicle Code requires the City to issue warning notices for 30 days prior to issuing actual citations. The

City is also required to make a public announcement of the automated system at least 30 days prior to beginning enforcement. The system must be identified by signs which clearly indicate the system's presence and are visible to all vehicles approaching from all directions. Nestor Traffic Systems will also cooperate with the city on a public relations campaign in order to fully inform our residents of the benefits of the enforcement system. The red light photo enforcement system will ideally provide an officer at an intersection 24 hours a day, seven days a week and is seen as an additional tool for traffic safety by the Police Department.

Principal Engineer Nybo and Senior Civil Engineer Beas showed a Power Point presentation on the Nestor Photo Enforcement System.

Mayor Lavagnino opened the public hearing.

Brenda Miller stated she drove a lot around the City and felt the traffic signals should be more synchronized. She asked if there was something the City could do to make it less frustrating for drivers rather than installing the red light cameras.

Senior Civil Engineer Beas explained that the City's traffic engineers were constantly looking at intersections to determine if changes were necessary.

Henry Cordas stated if the City was going forward with this program, it should purchase the cameras and not lease them. There should be no profit in it. He explained that the fines were too high for people on fixed incomes. He also felt the videos should be reviewed by the courts, not the Police Department. He suggested the City Council and staff go on TV and provide information to the people about traffic safety.

Kenneth Mascaro asked at the end of the one-year period, what criteria the City would use to determine if it proceeded with the system. What happens if after the year, the City finds that the system has reduced the number of red light violators but is no longer generating enough revenue to pay for the system.

City Manager Ness stated City staff had studied these systems in other cities and had traveled to other cities to see their systems. The City will be experimenting over the one-year period of time with a trial project and determining what the criteria would be. The goal was not revenue enhancement or revenue generation for the City, it was traffic safety. Staff hopes that after the first cameras go in, the City will find no red-light violations at all. After one year, the City could drop the program altogether, or move the camera system from one intersection to another if needed. The camera systems are not going to go in at every intersection. At first it will only be one intersection.

Mr. Mascaro asked if the City would have a termination provision in the contract or would the City be obligated to pay for the system even if the citations were not generating enough money.

City Attorney Trujillo explained that the City was still in preliminary negotiations with the contractor. There would be a provision for either party to terminate the contract.

Mr. Mascaro asked if the motion videos that were shown as part of the presentation would be accessible to be viewed on the web and be available to download by the person receiving the citation at no fee for use in court. He said if the video was available to the Police Officer to make a determination on whether to issue a citation, then that same video should be available to the person who may be called into court.

Senior Civil Engineer Beas explained that if the person did not have internet access, they would be able to view the citation at the Police Department.

Hearing no further requests to testify, Mayor Lavagnino closed the public hearing.

Councilmember Mariscal stated the highest number of traffic accident and incidents occur along State Highway 166 and Highway 135. One of the reasons the City is considering the Nestor Program is because their method is acceptable to Caltrans. He

urged the Traffic Department and Police Department to work with Caltrans to get those intersections fitted with cameras. He explained that some of the City's main thoroughfares were synchronized. However, when thoroughfares are synchronized, people tend to drive faster. Four years ago, when he was elected to the Council, he brought this subject up. It has taken four years to get to this point; but in the last four years, there has been a growing number of traffic incidents. This program is not about generating revenue for the City, it is about traffic safety. He would continue to support the program as long as he was seeing that it was effective for the community.

Councilmember Patino stated people know they are not supposed to run red lights. She said she had been a proponent of this program for a long time. She asked what happened when the vehicle was unregistered and if the Police Department would be able to impound the vehicle.

Police Chief Macagni explained that the California Vehicle Code allowed the Police Department only to cite for the violation of red light on the camera system. However, if they found an unregistered vehicle or a fictitiously registered vehicle, they would follow up and take the appropriate action.

Councilmember Orach stated he had two people tell him today they hoped the Council would approve the red light photo enforcement program. People need to leave earlier to allow more time to get to their destination. They have to have a mental attitude that they are going to be courteous and obey the laws. They need to realize that they should not be talking on a cell phone, smoking a cigarette, drinking a drink, or eating because it diverts their attention.
Resolution No. 2006-173 was adopted approving the use of a Red Light Photo Enforcement Program and authorizing the Mayor to execute a lease and services agreement acceptable to the City Attorney with Nestor Traffic Systems for the installation of a red light photo enforcement program on motion by Councilmember Mariscal, seconded by Councilmember Patino, and carried on the following vote:

AYES: Councilmembers Mariscal, Orach, Patino, Trujillo, and Mayor Lavagnino
NOES: None
ABSENT: None
ABSTAIN: None

Resolution No. 2006-173 adopted. A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SANTA MARIA, CALIFORNIA, AUTHORIZING THE CITY TO ENTER INTO A LEASE CONTRACT WITH NESTOR TRAFFIC SYSTEMS FOR A RED LIGHT PHOTO ENFORCEMENT PROGRAM.

APPOINTMENT TO ALL-AMERICA CITY COMMITTEE
Mayor Lavagnino explained that Council would make one appointment to the All-America City Committee to fill an unexpired term of Bob Huber who recently resigned. Mr. Huber represented the ethnic diversity segment of the community. Councilmember Patino will make the nomination.

On motion by Councilmember Patino, seconded by Councilmember Orach, and carried unanimously, Francisco Rodriguez was appointed to the All-America City Committee to fill the unexpired term ending in January 2007.

CITY MANAGER'S REPORT
City Manager Ness announced that the next City Council meeting would be on November 7th, Election Day. The one issue staff was working on for that meeting was the First Quarter Financial Report.

ORAL REPORTS BY COUNCILMEMBERS
Councilmember Trujillo announced that last weekend he was invited to go to Los Angeles and speak to a group from Colorado and New Mexico on genealogy. They wanted to know about his famous great-great grandfather who was Irish, Scottish, and German. What they wanted him to talk about was the brew his ancestor made called Taos Lightening which sold for $18 a barrel. The meeting was on Olivera Street, and

after the meeting he went to Casa de Rosa which is owned by Councilmember Mariscal's brother.

Councilmember Orach stated he and his wife celebrated their 40th Anniversary on a cruise to Hawaii, but he was glad to be home. He talked about the progress on the Miller and Cook Street renovation, the Blosser Road project, and the new City library project. He announced that the Housing Trust Fund of Santa Barbara County would be holding a symposium on Wednesday at the Radisson Hotel at 7:30 p.m. on workforce housing.

Mayor Lavagnino talked about the renovations being done to Fletcher Park.

Councilmember Patino talked about Fighting Back Santa Maria Valley's "Free for the Weekend" event on September 30th. She thanked some of the key people involved.

Councilmember Patino asked if the Police Department gave tickets for jaywalking.

Police Chief Macagni explained that jaywalking was crossing the street between two controlled intersections without using the crosswalks. The Police Department does issue citations for jaywalking.

Councilmember Patino stated on Monday, Peace Week events began with a breakfast at the Veterans Memorial Center. Cheryl Ward Kaiser was the keynote speaker. Tuesday, the students from Battles School planted a tree in the new part of the Santa Maria Cemetery.

Councilmember Mariscal talked about an exhibit called "Neighbors Who Disappeared" which was on display at Temple Beth El until October 31st. It was generated by Chek Republic children who recognized that due to the Nazi invasion of Czechoslovakia, an entire generation of people no longer existed.

Councilmember Mariscal reported on the United Way of Santa Barbara County "Red Feather Ball" he had attended last Saturday, and talked about the Black and White Ball to be held this Saturday by the Mexican Ladies Association. Also on November 1st the Santa Barbara County Industrial Association would be having a symposium in Santa Barbara to talk about economic development, transportation, and the future of the region.

Councilmember Orach announced that the Food Bank's Empty Bowls luncheon would be held on Wednesday from 11:30 a.m. to 1:30 p.m. at the Veterans Memorial Center.

CLOSED SESSION

Council recessed to Closed Session at 8:24 p.m. for Conference with Labor Negotiator pursuant to Section 54957.6. of the Government Code; Agency representative: Assistant City Manager; Employee organization: Service Employees International Union (SEIU); and Conference with Legal Counsel – Pending Litigation Pursuant to Subdivision (a) of Section 54956.9 of the Government Code regarding Christopher A. Westerfield v. Gregory J. Wade, Kevin J. Waddell, City of Santa Maria, Case No. CV 05-6645, United States District Court, Central District.

After the Closed Session, the following was announced:

Conference with Labor Negotiator - SEIU: Direction to staff.

Conference with Legal Counsel – Westerfield v. Wade, Waddel, and City of Santa Maria: Direction to staff.

ADJOURNMENT

There being no further business to come before the City Council at this time, the meeting was declared adjourned at 8:47 p.m. by order of Mayor Lavagnino.

APPROVED

November 7, 2006
Date

ATTEST:

Chief Deputy City Clerk

Chief Deputy City Clerk of the City of Santa Maria and ex officio Clerk of the City Council

Mayor of the City of Santa Maria